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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,184	03/10/2004	Wei-Hung Huang	BHT-3212-55	2734

7590 04/05/2005
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EXAMINER

WILLIAMS, HOWARD L

ART UNIT	PAPER NUMBER
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2819

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/796,184	Applicant(s) HUANG ET AL.	
	Examiner Howard L. Williams	Art Unit 2819	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Claims 1-5 and 9-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The language used in conjunction with the combining module/step in claims 1 and 11 is found confusing. Particularly, these claims recite combining two streams to one according to some rule then generating a plurality of data streams. In that in these two independent claims only two streams are first recited the step to the plurality of streams seems to a bit of a non sequitur.

Claims 4-5, 9-10 and 14-15: these claims recite edge triggering the converting function and depend from their immediately prior claim 3, 8 and 13 but are ultimately inconsistent with their respective independent claims; each of which assigns the triggering of the conversion function to the second clock not the first clock. It seems that claims 3, 8 and 13 should recite the edges of the second clock rather than the first.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 6-10 are rejected under 35 U.S.C. 102(e) as anticipated by US 20040213350 A to Frith, P J et al.

The applied reference may have a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.


US 20040213350 A shows an audio DAC system compatible with PCM and DSD compliant interface. Turning to figures 7A and 7B a number of pins are illustrated on the left hand side. One pin is marked for data (pin 4, data DIN) so the publication discloses "at least one data stream transmission pin." Pin 2 appears to be a first clock pin and Pin 1 a second clock pin per the claim recitation. The decoder is depicted in figure 1a reference number 3 in the larger system depiction. Regarding claim 8, this claim recites nothing more than a truism applicable to any clock signal in any kind of device since a period would be measured from like edge to like edge and an opposite edge would appear somewhere in between. From figure 7B, depending on the mode sensed the conversion appears matched to either the rising or falling edge of the second clock (Pin 1 signal).

Claims 1-5 and 11-15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 20040091063 A to Amar et al. discloses a DSD clocking arrangement and DAC system in figure 1, its BCLK and BCLK/2 could be considered as first and second clocks. US 6531975 B1 to Trotter et al. discloses a variable sample rate multiple data streams DAC interface with DSD compliant interface.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Howard L. Williams at telephone number (571) 272-1815.

3/31/2005
Voice: (571) 272-1815


Howard L. Williams
Primary Examiner
Art Unit 2819